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SEP 13 2005

**Response Under 37 C.F.R. §1.116**  
**Expedited Procedure Examining**  
**Examining Group 2633**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicants:** Casimer M. DeCusatis, et al.

**Docket:** FIS920010143US1(14581)

**Serial No.:** 09/964,190

**Examiner:** Dalzid E. Singh

**Filed:** September 26, 2001

**Group Art:** 2633

**For:** WAVELENGTH MODULATION FOR  
OPTICAL BASED SWITCHING AND ROUTING

**Dated:** September 13, 2005

**Confirmation No.:** 1297

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT UNDER 37 C.F.R. §1.116**

Sir:

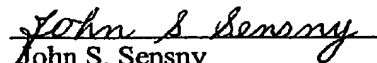
In response to the Office Action dated July 13, 2005, please amend the subject patent application as follows.

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**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Dated: September 13, 2005

  
John S. Sensny

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**SCULLY, SCOTT, MURPHY  
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**Fax**

**To:** Examiner: Dalzid E. Singh  
Group Art Unit: 2633  
Confirmation No.: 1297

**From:** John S. Sensny, Esq.

**Fax:** ~~786-672-3890~~ 571-273-8300 **Pages:** 10 (Including fax cover sheet)

**Phone:** **Date:** September 13, 2005

**Re:** Applicants: Casimer M. DeCusatis, et al.  
Serial No.: 09/964,190  
Filed: September 26, 2001  
For: "WAVELENGTH MODULATION FOR  
OPTICAL BASED SWITCHING AND ROUTING"  
Docket: FIS920010143US1 (14581)  
JSS:jy

**CC****AMENDMENT UNDER 37 C.F.R. §1.116****TRANSMITTED HEREWITH:**

1. Amendment Transmittal Letter (in duplicate);
2. Amendment under 37 C.F.R. §1.116;
3. Authorization to charge IBM Deposit Account No. 09-0458/IBM, if necessary; and
4. Certificate of Facsimile Transmission, dated September 13, 2005 (in duplicate).

**FOR:**

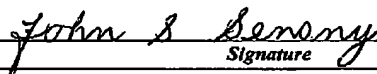
Applicants: Casimer M. DeCusatis, et al.  
Serial No.: 09/964,190  
Filed: September 26, 2001  
For: "WAVELENGTH MODULATION FOR OPTICAL BASED SWITCHING AND ROUTING"  
Docket: FIS920010143US1 (14581)  
JSS:jy

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<b>AMENDMENT TRANSMITTAL LETTER (Large Entity)</b>					Docket No. <b>FIS920010143US1 (14581)</b>	
Applicant(s): <b>Casimer M. DeCusatis, et al.</b>						
Application No. <b>09/964,190</b>	Filing Date <b>September 26, 2001</b>	Examiner <b>Dalzid E. Singh</b>	Customer No. <b>23389</b>	Group Art Unit <b>2633</b>	Confirmation No. <b>1297</b>	
Invention: <b>WAVELENGTH MODULATION FOR OPTICAL BASED SWITCHING AND ROUTING</b>						
<b>COMMISSIONER FOR PATENTS:</b>						
Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.						
<b>CLAIMS AS AMENDED</b>						
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE	
TOTAL CLAIMS	1 -	20 =	0	x \$50.00	\$0.00	
INDEP. CLAIMS	1 -	3 =	0	x \$200.00	\$0.00	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00	
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>					<b>\$0.00</b>	
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account <b>09-0458/IBM</b> <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038. <b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b>						
 John S. Sensny Registration No. 28,757  Scully, Scott, Murphy & Presser 400 Garden City Plaza - Suite 300 Garden City, New York 11530 (516) 742-4343			Dated: <b>September 13, 2005</b>  <div style="border: 1px solid black; padding: 5px;">         I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____          _____          (Date)           _____          Signature of Person Mailing Correspondence           _____          Typed or Printed Name of Person Mailing Correspondence       </div>			
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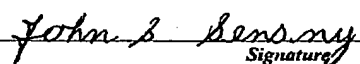
P11LARGE/REV09

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<b>CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)</b> Applicant(s): Casimer M. DeCusatis, et al.			<b>Docket No.</b> FIS920010143US1 (14581)
<b>Application No.</b> 09/964,190	<b>Filing Date</b> September 26, 2001	<b>Examiner</b> Dalzid E. Singh	<b>Group Art Unit</b> 2633
<b>Invention: WAVELENGTH MODULATION FOR OPTICAL BASED SWITCHING AND ROUTING</b>			
<p>I hereby certify that this <u>AMENDMENT UNDER 37 C.F.R. §1.116</u> (Identify type of correspondence) is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>(571) 273-8300</u> on <u>September 13, 2005</u> (Date)</p> <p><u>John S. Sensny</u> (Typed or Printed Name of Person Signing Certificate)</p> <p><u>John S. Sensny</u> (Signature)</p> <p><b>Note: Each paper must have its own certificate of mailing.</b></p>			

P18/REV02

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<b>AMENDMENT TRANSMITTAL LETTER (Large Entity)</b>					Docket No. <b>FIS920010143US1 (14581)</b>					
Applicant(s): <b>Casimer M. DeCusatis, et al.</b>										
Application No. <b>09/964,190</b>	Filing Date <b>September 26, 2001</b>	Examiner <b>Dalzid E. Singh</b>	Customer No. <b>23389</b>	Group Art Unit <b>2633</b>	Confirmation No. <b>1297</b>					
Invention: <b>WAVELENGTH MODULATION FOR OPTICAL BASED SWITCHING AND ROUTING</b>										
<u>COMMISSIONER FOR PATENTS:</u>										
Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.										
<b>CLAIMS AS AMENDED -</b>										
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE					
TOTAL CLAIMS	1 -	20 =	0	x \$50.00	\$0.00					
INDEP. CLAIMS	1 -	3 =	0	x \$200.00	\$0.00					
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00					
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>					<b>\$0.00</b>					
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account <b>09-0458/IBM</b> <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038.										
<b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b>										
 <b>John S. Sensny</b> Registration No. 28,757  <b>Scully, Scott, Murphy &amp; Presser</b> 400 Garden City Plaza - Suite 300 Garden City, New York 11530 (516) 742-4343			Dated: <b>September 13, 2005</b>							
cc: JSS:jy			<div style="border: 1px solid black; padding: 5px;"> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____</p> <p style="text-align: center;">(Date)</p> <p style="text-align: center;">_____ Signature of Person Mailing Correspondence</p> <p style="text-align: center;">_____ Typed or Printed Name of Person Mailing Correspondence</p> </div>							

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